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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,350	07/30/2001	Shean-Guang Chang	BEAS-01049US1 SRM/KFK	2681
23910	7590	03/24/2006	EXAMINER	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			VU, VIET DUY	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/918,350	CHANG ET AL	
	<b>Examiner</b> Viet Vu	<b>Art Unit</b> 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 February 2006.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7,9-16 and 18-21 is/are pending in the application.

4a) Of the above claim(s) 19-21 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-7,9-16 and 18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

1. The previous FINAL office action mailed 1/10/2006 has been withdrawn in response to applicant's arguments dated 2/27/2006.

**Art Rejections:**

2. The text of 35 U.S.C. 102(e) cited in the previous office action is hereby incorporated by reference.

3. The rejection of claims 1-7, 9-16 and 18 under 35 U.S.C. 102(e) as being clearly anticipated by Lodrigue (6,691,175), mailed 1/10/2006, is hereby incorporated by reference.

**Response to Amendment:**

4. Applicant's arguments filed on 2/27/2006 with respect to rejection of claims 1-7, 9-16 and 18 over Lodrigue have been fully considered but are not deemed persuasive.

Applicant alleges that Lodrigue does not teach a flexible message header operated in edit mode for modulating a message with typed container modules wherein each container module having an attachment unit which comprises pointers to point to the next typed container module and the previous type container module.

The examiner disagrees. As discussed in the office action, Lodrigue clearly teaches a flexible message header (queue 300,

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fig. 3) operated in queuing (edit) mode for queuing (modulating) a message with typed container modules (302, 304, fig. 3) wherein each container module is prefixed with an attachment unit (control headers 308, 310, fig. 3) which comprises references (pointers) to the next container module that provide the function of a linked list (see col 5, lines 16-26 and 30-35). Lodrigue also teaches providing references (pointers) in the container module pointing to previous queue header that could provide the effect of a double linked list (see col 5, lines 26-29).

Applicant also alleges that Lodrigue does not teach operating the flexible message header in a storage mode for removing the attachment unit from the container module.

The examiner disagrees. Lodrigue teaches operating the queue header in data de-queuing mode for obtaining the message from the queue for passing the message to the next software entity (see col 7, lines 35-39). It is submitted that in this data de-queuing mode, the attachment unit would be removed from the message/container because the attachment unit is only for use within the queue structure (see col 5, lines 34-35). Thus, the examiner submits that Lodrigue discloses the claimed invention. Applicant is reminded that one cannot effectively define the invention over prior art by simply relying upon the use of

different names or labels of the claimed elements. For example, one skilled in the art would have recognized pointer, link, and reference to be analogous terms. In the present case, these terms are not patently distinguished from each other.

Per claim 2, Lodrigue teaches using the queue structure for storing different types (priority levels) and different lengths of messages in different typed containers (see col 7, lines 16-30).

Per claim 3, Lodrigue teaches providing at least one separate container for storing specific one type of data, i.e., event data (user data, etc.,) (see col 5, lines 65-67).

Applicant further alleges that Lodrigue discloses a hardware implemented queue structure as opposed to the software based queue structure as required by the present invention.

The examiner disagrees. Although Lodrigue's queue structure would have been implemented by either hardware or software, Lodrigue clearly suggests a software implementation (see col 8, lines 20-25).

Finally, in response to applicant's argument of a premature final office action mailed January 10, 2006, the previous final office action is hereby withdrawn. However, the new final office action has been applied, as applicant's arguments to the

allowability of claims 1-7, 9-16 and 18 over Lodrigue are not found persuasive.

**Conclusion:**

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 7:00am to 4:00pm. The Group general information number is 571-272-2100. The Group fax number is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIET D. VU  
PRIMARY EXAMINER

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3/20/06